

04-18-05

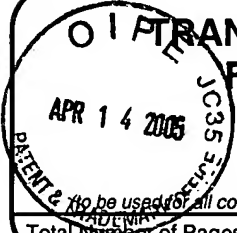
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031


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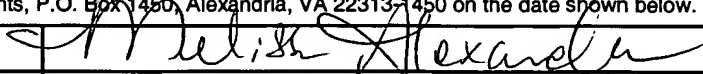
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	Application Number	10/733,808	
	Filing Date	12/10/2003	
	First Named Inventor	Christopher A. Hopen, et al.	
	Art Unit	2121	
	Examiner Name	TBD	
Total Number of Pages in This Submission	80	Attorney Docket Number	005313.00016

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): References for IDS: WO 02/37799 (62 pgs) ISR from PCT/US2004/041183 (14 pgs)
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Thomas L. Evans		
Date	04/14/2005	Reg. No.	35,805

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail with Express Mail Label No. EV664640983US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Melissa Alexander	Date	4/14/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV664640983US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of)	
)	Group Art Unit: 2121
Christopher A. Hopen, et al.)	
)	Examiner: TBD
Serial No. 10/733,808)	
)	Docket No. 005313.00016
Filed: December 10, 2003)	
)	
For: NETWORK APPLICANCE)	
)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Pursuant to their duty of disclosure under 37 C.F.R. §1.56, Applicants bring the documents listed in the attached PTO-1449 form to the attention of the Examiner in the above-identified patent application.

The listed documents were cited in the International Search Report for this application, dated Mach 15, 2005, a copy of which is also attached. The International Search Report is in English. Therefore, Applicants respectfully urge that no further comment is necessary in accordance with 37 C.F.R. §1.98(a)(3). Applicants respectfully point out, however, that the International Search Report classifies the two (2) documents in category X.

A first Official Action has not yet issued for this application. Also, Applicants are submitting herewith both a Statement under 37 C.F.R. §1.97(e)(1) and a Statement under 37 C.F.R. §1.704(d). Therefore, it is respectfully urged that no fees are required for the Examiner's consideration of the documents cited in this Information Disclosure Statement. Should a fee be deemed necessary for

consideration of this Information Disclosure Statement, however, the Commissioner is authorized to debit deposit account number 19-0733.

In accordance with 37 C.F.R. 1.704(d), Applicant hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of the attached Information Disclosure Statement.

Consideration and entry of this Statement are respectfully requested.

In accordance with 37 C.F.R. §1.97(e)(1), Applicant hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the attached Information Disclosure Statement.

Consideration and entry of this Statement are respectfully requested.

While Applicants are presenting the documents listed in the attached PTO-1449 form, Applicants do not waive any right to take appropriate action to establish patentability over the listed documents should one or more of these documents be applied as a reference against any claim in this application.

Applicants respectfully ask that the documents listed on the attached PTO-1449 form be considered by the Examiner and made officially of record, and that a listing of the same appear on the face of any patent which may issue from this application.

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D.C. 20001-4597
Telephone: (202) 824-3000
Dated: April 14, 2005

Respectfully submitted,



By: Thomas L. Evans
Registration Number 35,805

APR 14 2005

PTO/SB/08a (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTC

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

<i>Application Number</i>	10/733,808
<i>Filing Date</i>	12/10/2003
<i>First Named Inventor</i>	Christopher A. Hopen, et al.
<i>Art Unit</i>	2121
<i>Examiner Name</i>	TBD
<i>Attorney Docket Number</i>	005135.00016

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 02/37799	05/10/2002	The Board of Regents Of The University of Nebraska		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Communication Relating to the International Search Report and The Written Opinion of the International Searching Authority in corresponding PCT application, application number PCT/US2004/041183 dated March 15, 2005	

Examiner Signature		Date Considered	
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